

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ORLANDO WILSON,

Plaintiff,

v.

ALANA ACKER and LAURA SUKOWATY,

Defendants.

ORDER

Case No. 25-cv-102-jdp

Plaintiff Orlando Wilson, a prisoner in the custody of the Department of Corrections, has submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff has filed a motion for leave to proceed *in forma pauperis*, dkt. 2, a motion to use release account funds to pay the initial partial filing fee, dkt. 4, and an account statement for the period ending 1/31/2025, dkt. 5, that shows a balance of \$11.26 in his regular inmate account and \$26.14 in his release account. As of 2/13/2025, plaintiff reports that he has \$0 in his regular account. *See* dkt. 4 at 2.

Plaintiff's motions will be granted in part. Even when a prisoner plaintiff qualifies for indigent status, the plaintiff must pay part of the filing fee pursuant to 28 U.S.C. § 1915(b)(1). Using information from Wilson's trust fund account statement, I calculate his initial partial payment to be \$9.44. For this case to proceed, plaintiff must submit a check or money order for this amount by March 7, 2025. Prison officials will draw funds first from plaintiff's regular account, up to the full amount of the initial partial payment. If any portion of the initial partial payment remains, then prison officials must allow plaintiff to withdraw funds from his release account to pay the remainder of the initial partial payment. *See Carter v. Bennett*, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005).

ORDER

IT IS ORDERED:

1. Plaintiff Orlando Wilson is assessed an initial partial payment of \$9.44. Plaintiff must submit a check or money order for \$9.44 payable to the clerk of court by March 7, 2025, or explain in writing why he cannot make the initial partial payment by this deadline.

2. Plaintiff's motion to use release account funds to make the initial partial payment is GRANTED IN PART, as noted above.

3. No further action will be taken in this case until the clerk's office receives the initial partial payment and the court has screened the complaint under the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, the court will issue a separate order.

4. If plaintiff fails to make the initial partial payment by March 7, 2025, or fails to explain why he cannot make the payment, then I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be dismissed without prejudice. If plaintiff submits the initial partial payment within 30 days of dismissal, the case will be reopened. The court will not reopen the case after 30 days unless plaintiff shows that he is entitled to relief under Federal Rule of Civil Procedure 60(b).

Entered on this 18th day of February, 2025.

BY THE COURT:

/s/
ANDREW R. WISEMAN
United States Magistrate Judge